

Department of Community Planning and Economic Development
Rezoning and Conditional Use Permit
BZZ-6006

Date: June 10, 2013

Applicant: Daniel Magnuson

Address of Property: 4705 Cedar Avenue S and 4700 Longfellow Avenue

Project Name: N/A

Contact Person and Phone: Daniel Magnuson, (651) 774-3630

CPED Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: May 6, 2013

End of 60-Day Decision Period: July 5, 2013

End of 120-Day Decision Period: On May 31, 2013, staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to September 3, 2013.

Ward: 12 **Neighborhood Organization:** Standish-Ericsson

Existing Zoning: OR2, High Density Office Residence district, FP, Floodplain Overlay district, SH, Shoreland Overlay district

Proposed Zoning: C2, Neighborhood Corridor Commercial district (retaining both overlay districts)

Zoning Plate Number: 32

Lot area: 36,229 square feet

Legal Description: Lots 1 and 2 and the north 18 feet of Lot 3 including adjoining ½ of vacated alley and; Lots 27 through 30 and the north 1/2 of Lot 26 including ½ of the vacated alley, Cedar Avenue Park Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: restaurant, off-sale liquor store

Concurrent Review:

- Rezoning from the OR2, High Density Office Residence district to the C2, Neighborhood Corridor Commercial district
- Conditional use permit for an off-sale liquor store in the C2 district.

Applicable zoning code provisions: Chapter 525: Article VI, Zoning Amendments; Chapter 525: Article VII, Conditional use permits.

Background: The site is located at the intersection of Cedar Avenue S and 47th Street E. The parcel is a through lot that also has frontage on Longfellow Avenue. The proposal is to establish a restaurant, Carbone's Pizza, and an off-sale liquor store, Cork Dork Wine Co., in the existing building. The building is currently vacant. Both uses are currently located across the street at 4724 and 4726 Cedar Avenue respectively. Modifications to the building include interior remodeling, the addition of an employee entrance on the north side of the building and an outdoor patio space on the east side of the building. The restaurant use would be 5,050 square feet in area and the off-sale liquor store would be 1,500 square feet.

The base zoning of the site is OR2, High Density Office Residence district and off-sale liquor stores are not a permitted use in this district. Therefore, the applicant is applying to rezone the property from the OR2, High Density Office Residence district to the C2, Neighborhood Corridor Commercial district, where off-sale liquor stores are first allowed as a conditional use. A conditional use permit is also required for the proposed use.

Staff had not received any correspondence from Standish-Ericsson Neighborhood as of the writing of this report. Any correspondence, if received, will be forwarded on to the Planning Commission for consideration.

REZONING: from the OR2, High Density Office Residence district to the C2, Neighborhood Corridor Commercial district.

Findings as required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth identifies this site as mixed use on the future land use map. The site is located within a Neighborhood Commercial Node and Cedar Avenue is a Community Corridor in this location. According to the principles and policies outlined in the comprehensive plan, the following apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node’s main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood.
- 1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City of Minneapolis services to these areas.

The proposed C2 zoning is consistent with the above policies of the Comprehensive Plan. The applicant is proposing a restaurant and an off-sale liquor store within an existing building that is currently vacant. The C2, Neighborhood Corridor Commercial district allows for a broad range of commercial goods and services in an area that has historically contained commercial uses. The continued presence of small-scale retail sales and service uses within

this building supports the adopted policies for Community Corridors and Neighborhood Commercial Nodes.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the C2, Neighborhood Corridor Commercial district would be in the interest of the property owner but also in the public interest. Rezoning from the OR2, High Density Office Residence district to the C2, Neighborhood Corridor Commercial district is consistent with adopted City policy for the area. No retail sales and service uses are allowed under the current zoning because the building is not a two-story mixed building and it is less than 20,000 square feet in area. The site exceeds the maximum lot area limitations for the C1 district and the proposed liquor store is first allowed in the C2 district. The uses allowed in the proposed C2 district would allow for a broad range of commercial uses within a Neighborhood Commercial Node and on a Community Corridor. Providing for additional commercial uses near these land use features is supported by City Policy and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The surrounding area contains a mix of commercial uses with residential uses across 47th Street E to the north. The property to the east is owned by the Minneapolis Park and Recreation Board and contains a golf course. The restaurant and off-sale liquor store proposed for the building are both currently located across the street. This specific block includes a grocery store, a coffee shop, an ice cream shop and a funeral home. With the exception of this site and the surface parking lot to the south, all other properties within this Neighborhood Commercial Node are zoned C2. Other commercial uses in the node include a contractor's office and automobile convenience facility. The site is separated from the residential uses to the north with a public street. The uses allowed in the proposed C2 district would be compatible with the adjacent uses within this node. A full listing of the differences between the existing OR2 zoning and the proposed C2 zoning has been attached for reference.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are a limited number of reasonable uses of the property permitted under the current OR2, High Density Office Residence zoning classification. Uses allowed in the OR2 district that would be allowed in this specific building include educational facilities, social, cultural and recreational facilities, religious institutions, birth centers, medical and dental labs and clinics, offices and child care centers. While the zoning would allow for residential uses, the existing building would likely not be suitable for residential development. Because it is a

single story building that is less than 20,000 square feet in area, neighborhood-serving retail sales and service uses are not allowed. The site exceeds the maximum lot area requirement of 20,000 square feet for a less commercial district such as C1 and liquor stores are first allowed in the C2 district. The proposed C2 zoning would allow for a wider range of goods and services within this designated Neighborhood Commercial Node and is more in keeping with adopted City policies for the area.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Until 2006, the property at 4705 Cedar Avenue S was zoned C2 and the property at 4700 Longfellow Avenue was zoned R1A. In 2006, a development proposal came forward for both properties and the parking lot at 4712 Longfellow Avenue that included a 14,560 square foot, two-story addition. Because that proposal was for office space only and included a two-story building, it was able to be accommodated by the less intense OR2 district. However, the building addition was never constructed and now a limited number of uses are allowed in the existing building. The trend of development in the general area and in this particular node has remained predominantly commercial since 2006. Rezoning the site to C2, Neighborhood Corridor Commercial district from OR2, High Density Office Residence district would be consistent with the character of development and existing uses in this Neighborhood Commercial Node and support adopted City policies.

CONDITIONAL USE PERMIT: to allow an off-sale liquor store in the C2 district.

Findings as required by the Minneapolis Zoning Code:

The Minneapolis Department of Community Planning and Development, Planning Division, has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Establishing an off-sale liquor store within this building will not be detrimental to or endanger the public health, safety, comfort or general welfare, provided the use complies with all applicable licensing requirements, building codes and life safety ordinances. The use is currently located across the street at 4726 Cedar Avenue S. The space that the liquor store is currently located in is only 565 square feet. The applicant is proposing to move into a larger space within the same Neighborhood Commercial Node. Relocating this existing business across the street should have no detrimental impacts.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The proposed use will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal and orderly development and improvement of the surrounding area. As stated above, the use is currently located in the immediate area, just across the street to the west. The move into this tenant space within the same general area will not impact any future development or improvement of surrounding properties. The surrounding area contains a mix of commercial uses with residential uses across 47th Street E to the north and a golf course to the east. This specific block includes a grocery store, a coffee shop, an ice cream shop and a funeral home. Relocating the off-sale liquor store will maintain the range of goods and services available in this Neighborhood Commercial Node.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Utilities and access roads are existing and adequate. The site has two parking areas; one which is accessed from Longfellow Avenue on the east side of the site and one which is accessed from Cedar Avenue S via a shared drive easement on the west side of the site. The applicant shall be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The proposed use is not expected to contribute to traffic congestion in the public streets. The parking requirement for the off-sale liquor store is one space for each 500 square feet of gross floor area with a minimum of four spaces. For this 1,500 square foot use, the parking requirement is four spaces. The parking requirement for the restaurant use is one space for each 500 square feet up to 2,000 square feet, then one space for each 300 square feet of gross floor area in excess of 2,000 square feet. The proposed restaurant will be 5,050 square feet in area, requiring 14 parking stalls. The combined minimum parking requirement for both uses is 18 spaces. The existing parking lot has 50 spaces, exceeding the minimum requirement. Access into the parking lot is via a curb cut with a shared drive easement from Cedar Avenue S and a second curb cut from Longfellow Avenue. Loading will occur on the east side of the building. The amount of parking provided and the accommodations for traffic circulation will minimize congestion in adjacent streets. Four bicycle parking spaces are also being provided.

5. Is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth identifies this site as mixed use on the future land use map. The site is located within a Neighborhood Commercial Node and Cedar Avenue is a Community Corridor in this location. According to the principles and policies outlined in the comprehensive plan, the following apply to this proposal:

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1.11.3 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood.

1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City of Minneapolis services to these areas.

The proposed off-sale liquor store use is consistent with the above policies of the Comprehensive Plan. The applicant is proposing a restaurant in addition to a small off-sale liquor store within an existing building that is currently vacant. The continued presence of small-scale retail sales and service uses within this building supports the adopted policies for Community Corridors and Neighborhood Commercial Nodes.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit and rezoning, the site would conform to the applicant regulations of the zoning code. The site includes a large surface parking lot that is split into two sections; one fronting on Cedar Avenue S and one fronting on Longfellow Avenue. The portion that fronts on Cedar Avenue S is also utilized by the adjacent grocery store and the grocery store leases spaces in this lot. The applicant is proposing three new trees in this section of the parking lot so that all parking spaces will be within 50 feet of the center of an on-site deciduous tree. New plantings are also proposed along the west property line, between the parking lot and Cedar Avenue S. This landscaped yard is largely in the public right-of-way, which is an existing condition. The species for the shrubs proposed in this area has not been identified on the plans. As a condition of approval, the plantings shall be a minimum of three feet in height and 60 percent opaque. In the parking area on the east site of the site, the applicant is proposing a landscaped area near the driveway that will include a deciduous tree and additional plantings are proposed between the parking area and 47th Street E. The total landscaped yard in this location will be three feet on the property and an additional two feet in the right-of-way. Again, all plantings shall be a minimum of three feet in height and 60 percent opaque.

No signage has been proposed for the uses at this time. Any future signage shall require separate sign permits.

The use shall also be required to comply with all applicable specific development standards for off-sale liquor stores, as follows:

- 1) The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- 2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for rezoning from the OR2, High Density Office Residence district, to the C2, Neighborhood Corridor Commercial district for the property located at 4705 Cedar Avenue S and 4700 Longfellow Avenue.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for an off-sale liquor store for the property located at 4705 Cedar Avenue S and 4700 Longfellow Avenue, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. No shelving, signage, merchandise, newspaper racks or other similar fixtures shall be placed in front of the required ground level transparent windows.
3. Plantings proposed between the parking area and Cedar Avenue S and between the parking area and 47th Street E shall be a minimum of three feet in height and 60 percent opaque.

Attachments:

1. Statement of proposed use and project description
2. Correspondence
3. Zoning map
4. Future land use map
5. Rezoning matrix
6. Site plan, floor plans and elevations
7. Photos